

## IMMIGRATION AND NATURALIZATION OF ALIEN VETERANS

APRIL 13, 1926.—Referred to the House Calendar and ordered to be printed

Mr. JOHNSON of Washington, from the Committee on Immigration and Naturalization, submitted the following

### REPORT

[To accompany H. R. 11208]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 11208) to admit to the United States alien veterans of the World War, having considered the same, herewith reports it to the House of Representatives with amendments, and recommends that the bill as amended do pass. Text of the bill as reported is as follows:

A BILL To admit to the United States alien veterans of the World War

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) as used in this act, the term "alien veteran" includes an individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

SEC. 2. An alien veteran shall for the purposes of the immigration act of 1924 be considered as a nonquota immigrant, but shall be subject to all the other provisions of that act and of the immigration laws, except that—

(a) He shall not be subject to the head tax imposed by section 2 of the immigration act of 1917;

(b) He shall not be required to pay any fee under section 2 or section 7 of the immigration act of 1924;

(c) If otherwise admissible, he shall not be excluded under section 3 of the immigration act of 1917, unless excluded under the provisions of that section relating to—

(1) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(2) Polygamy;

(3) Prostitutes, procurers, or other like immoral persons;

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- (4) Contract laborers;
- (5) Persons previously deported;
- (6) Persons convicted of crime.

SEC. 3. The unmarried child under 18 years of age, the wife, or the husband, of an alien veteran shall, for the purposes of the immigration act of 1924, be considered as a nonquota immigrant, but shall be subject to all the other provisions of that act and of the immigration laws.

SEC. 4. The foregoing provisions of this act shall not apply to any alien unless the immigration visa is issued to him before the expiration of one year after the enactment of this act.

SEC. 5. An alien veteran admitted to the United States under this act shall not be subject to deportation on the ground that he has become a public charge.

SEC. 6. Nothing in the immigration laws shall be construed as subjecting any person to a fine for bringing to a port of the United States an alien veteran who is admissible under the terms of this act, even though such alien would be subject to exclusion if this act had not been enacted.

SEC. 7. *An alien veteran shall, if residing in the United States, be entitled, at any time within two years after the enactment of this act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.*

Amend the title so as to read:

A bill to admit to the United States and to extend naturalization privileges to alien veterans of the World War.

### FOUR GROUPS AFFECTED

Veterans affected fall into four groups, as follows:

*Group No. 1.*—Men who filed the overseas petition but never received their certificates of naturalization.

*Group No. 2.*—Men who were never naturalized at all because they were told by friends or comrades (and in some cases officers) that it was unnecessary after having served in the armed forces of the United States.

*Group No. 3.*—Men who received citizenship during the World War but who have stayed in Italy longer than the two years allowed by the law, and consequently many of them have been expatriated.

*Group No. 4.*—Men who received the so-called overseas certificate of citizenship through officers of the American Expeditionary Forces, supposedly in accordance with the act of May 9, 1918 (Public, No. 144—65th Cong.).

Before holding public hearings on H. R. 9973 by Mr. Fish, H. R. 10603 by Mr. Tilson, H. R. 8518 by Mr. Somers of New York, H. R. 7968 by Mr. Johnson of South Dakota and clauses with provisions similar to the intent of these bills found in immigration bills by Mr. Sabath, Mr. Perlman, and others, various members of this committee made numerous inquiries as to the status of expatriated American World War veterans; the status of aliens of the American Expeditionary Forces who had remained abroad; the failure to confer naturalization under the act of May 9, 1918 (Public No. 144—65th Cong.), and decided they needed more information than could be provided by the proponents of the several bills, or by the American Legion. The result was that Frank B. Gigliotti, of Rome, adjutant of the provisional department of Italy of the American Legion, was notified through Representative Fish, of New York. With the funds of that department, made up of United States World

War veterans, he was sent to the United States, where he had lived since he was 5 years old. He enlisted in the United States Army three days after war was declared. He fought overseas. He appeared before the House Committee on Immigration and Naturalization April 7, 1926, nine years and one day after the declaration of war.

While the committee had long been sympathetic with the proposal that American Veterans might return to the United States regardless of quota restrictions, Mr. Gigliotti's statement was so convincing that the committee felt that it should hasten desirable legislation.

#### FIRST ESTIMATE OF NUMBERS FOR ARMY NATURALIZATION

Mr. Gigliotti estimates the number of persons who would be eligible to enter the United States under the various proposed bills to be about 20,730, divided as follows:

From Italy: Veterans,\* 5,000; wives, 4,500; children, 7,000; fathers and mothers, 500; total, 17,000.

From Poland: Veterans, 1,000; wives, 800; children, 600; fathers and mothers, 100; total, 2,500.

From Greece: Veterans, 300; wives, 300; children, 600; fathers and mothers, 30; total, 1,230.

Total veterans, 6,300; total wives, 5,600; total children, 8,200; total fathers and mothers, 630; grand total, 20,730.

Many are expatriated citizens.

The committee herewith presents a photoengraved copy of the so-called "certificate of citizenship" issued to aliens in our Army overseas by their officers.

#### THE GOLD BRICK CERTIFICATE

This was known as the "gold brick" naturalization certificate concerning which the following is taken from the hearings:

Mr. GIGLIOTTI. I remember one wounded American veteran, who lived in a small 9 by 12 room, with his wife and two children. He had been unable to return to the United States. He had received the overseas certificate, or what some men had been pleased to call the "gold brick" naturalization certificate.

Mr. Box. What do you mean by "gold brick"?

Mr. Gigliotti exhibited the original document from which the attached cut was made.

Mr. Box. Will you kindly explain this designation "gold brick"?

Mr. GIGLIOTTI. There were 40,000 of these certificates given to overseas men.

This matter is further explained in the hearings by the Commissioner of Naturalization, Hon. Raymond F. Crist.

#### OVERSEAS PETITIONS

The CHAIRMAN. Mr. Crist, what caused these "gold brick" certificates to be issued?

Mr. CRIST. The so-called gold brick certificates of citizenship were erroneously issued after petitions for naturalization had been filed that were authorized by the provision of the act of May 9, 1918 (40 Stat. L. Pt. I, p. 542), which is as follows:

"Any alien who, at the time of the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without

appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court."

PHOTOGRAPHIC REPRODUCTION OF SO-CALLED "CERTIFICATE OF CITIZENSHIP"  
ISSUED BY ARMY OFFICERS OF AMERICAN EXPEDITIONARY FORCES

COMPANY "A", 601ST ENGINEERS,  
AMERICAN EXPEDITIONARY FORCES

This is to certify that Private Antonio Baffoni, 1852585,

Company "A", 601st Engineers, is a citizen of the United States. He took the Oath of Allegiance, and signed a "Petition for Naturalization" at A. P. O. 714, American E. F. France, on September 24, 1918, in accordance with Act of May 9, 1918, Public No. 144, 65th Congress.

*John M. Duthie*  
John M. Duthie,  
Captain, Engineers, U.S.A.

As the chairman will recall from his experience upon this committee during the consideration and preparation of this act of Congress in 1918, it was intended to provide that aliens in the military service of the United States who were out-



side of the United States but still under the jurisdiction of its military forces should be given the protection that could be accorded citizens of the United States. As soon as this law was enacted and arrangements could be made a form was prepared for the purpose of enabling aliens outside of the United States in the military forces of this country to file petitions for naturalization.

[NOTE.—A copy of the form is attached to this report.]

As soon as this form was prepared and arrangements made with the military forces of the country, 150,000 of these blanks were forwarded to the War Department and by them in turn forwarded to the military forces in France, where they were made use of. Approximately 30,000 of these petitions were filed.

These were filed beginning in September, 1918, and thereafter. They were returned to the Bureau of Naturalization for the purpose of being filed in the office of the clerk of the court named in each instance. No general action was taken which resulted in filing this class of petitions, for the reason that the armistice came suddenly and the return of the soldiers very shortly thereafter began. Every effort was made at the demobilization camps to naturalize all noncitizen soldiers before they were demobilized and discharged. The War Department was particularly requested to notify all in charge of the demobilization camps not to permit any noncitizen soldier to be demobilized until he was naturalized. Notwithstanding that every precaution was taken to insure the naturalization of all soldiers before their discharge, many were discharged without being given an opportunity to acquire citizenship before discharge.

As this plan contemplated the naturalization of all soldiers, the petitions filed overseas were not made use of. The reason for this must be perfectly apparent. If all soldiers were naturalized before demobilization and the overseas petition also were acted upon, each soldier would be naturalized in two courts, one court in the Army camp and the other at the place of his former residence. This duplication of work was deemed to be unwise and improper.

Inasmuch as many soldiers were demobilized and were discharged without being permitted an opportunity to be naturalized, embarrassments have resulted. This was entirely overcome, however, in thousands of instances. In the fiscal years 1920 to 1924 there were 96,255 soldiers naturalized upon presentation of honorable discharges and filing petitions for naturalization. In these cases the naturalization did not proceed upon the overseas petition, excepting in probably 1,000 cases or thereabouts. The number of the overseas petitions that have been filed has never been ascertained by counting. In some courts it has been held that these overseas petitions may be still made use of, while in others the contrary rule has been adopted.

There have been applications received from former soldiers of the American military forces who are residing in Europe to have their naturalization completed, but under recent court rulings this can not be accomplished.

[Form 2205-M. U. S. Department of Labor, Naturalization Service]

## UNITED STATES OF AMERICA

### PETITION FOR NATURALIZATION

*To the honorable the Judge of the Court.*

Your petitioner, \_\_\_\_\_, respectfully represents:

1. That I am a soldier in the military service of the United States, now serving in (organization or corps) \_\_\_\_\_

2. That I was born on the \_\_\_\_\_ day of \_\_\_\_\_, anno Domini 191\_\_\_\_, at \_\_\_\_\_

and arrived in the United States on or about \_\_\_\_\_

3. That my place of residence is \_\_\_\_\_

4. That I am { not married.  
married.

5. That I am not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy.

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6. That I name two citizens of the United States, as follows, who have personal knowledge of your petitioner's residence in the United States:

7. I hereby designate \_\_\_\_\_ as my attorney in fact to sign the petition for naturalization in the docket of the court to which this petition is addressed.

8. That I freely take the following oath, without mental reservation or purpose of evasion: I hereby declare on oath that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty and particularly to (enter name of sovereign) \_\_\_\_\_, of whom I have heretofore been a citizen, subject, and that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same.

\_\_\_\_\_  
(complete and true signature of petitioner)

Subscribed and sworn to before me, *an officer of the United States Army*, lawfully acting with the powers of a consul of the United States, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, anno Domini, 191 .

\_\_\_\_\_  
(Rank)

AFFIDAVIT OF WITNESSES

Each of the affiants named below states that he is a citizen of the United States and that he knows that the petitioner, above named, has been in the military service of the United States since \_\_\_\_\_

Subscribed and sworn to before me, *an officer in the United States Army*, lawfully acting with the powers of a consul of the United States, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, anno Domini, 191 .

\_\_\_\_\_  
(Rank)

Upon consideration of this petition, and affidavits in support thereof, it is ordered that the said petitioner, who has taken the oath of allegiance required by law, be, and hereby is, admitted to become a citizen of the United States of America.

The particular attention of the committee is invited to the last paragraph on the petition form as the probable basis for the issuance of the so-called gold-brick certificate. Also to paragraph 8 of this petition.

OPERATIVE FOR 16 MONTHS

Application may be made within one year, with four months from the end of the year for final arrival.

It is the wish of the committee that the State and Labor Departments keep separate statistics as to applications and arrivals under this legislation during the 16 months of its operation.

Mr. Gigliotti thought that 80 per of this number would avail themselves of the provisions of this legislation. The committee eliminated the exemption for fathers and mothers. This reduces the estimate to 18,000; and if 80 per cent avail themselves of the grace offered by the United States the number would be about 15,000, nearly one-half of whom have previously lived in the United States and have served in our armed forces.

In the hearings are printed translations of letters from a number of soldiers, showing in detail their plights and their ardent desire to return to the country in whose armed forces they served in time of

need. Some of these letters are from naturalized American citizens, who, on returning to the country of their birth, were required to satisfy the military requirements of that country, regardless of their United States citizenship. However, expatriation is probably the principal reason that causes most of these veterans to be unable to return to the land of their adoption.

#### OTHER ESTIMATES AS TO NUMBERS

Representative Fish estimates the number who might enter under the revised bill at 8,000 to 10,000. He bases those figures on the fact that "there are 5,000 veterans abroad who are eligible to come, and says that one-half of these desire to come. Eighty per cent are married and have two children to a family."

During the hearings on this bill a letter from Gen. Frank T. Hines, Director of the Veterans' Bureau, to Mr. Fish was presented. It gives statistics as to payments by the bureau to United States veterans in the various countries of the world.

Estimates of the committee based on various statements give the maximum number of possible beneficiaries (including wives and children) at 15,000, of whom between 6,000 and 7,000 were soldiers in our armies.

#### HOW SOLDIER NATURALIZATION WAS MISUNDERSTOOD

Representative Vincent, of Michigan, a member of the committee, made the following statement:

MR. VINCENT. I would like to make a statement with respect to my experience concerning them. I was in the Army from August, 1917, practically to long after the armistice, and had a company that was composed technically of Regular Army enlisted men. Most of them had come in just before and joined the Regular Army, about the time the war broke out. I was a lawyer before I was an officer in the Army, and I never during my military service understood myself the regulations and the law with respect to the speedy naturalization process of the Army. It was not generally understood by any other officer that I know of, nor by the enlisted men with whom I came in contact.

The only instance where I know of its operation with respect to the men that I was concerned with was this: One day after the company had become full in its personnel, about 250 men or so, there was an order that came to parade the company to determine as nearly as possible the number of individuals in it, or that we were able to have, and the men stepped forward and were taken somewhere by another officer who came there for that purpose, and when they came back they were supposed to be citizens. As far as I know, they had nothing to show that they were, and nobody knew anything afterwards about just what became of their citizenship records, as far as I know.

Now, it generally was not understood throughout the Army, I believe, or from any experience that I had in the division in which I served.

The resolution of the American Legion adopted at its Omaha convention last year urges Congress to relieve this alien soldier situation.

The association of Veterans of Foreign Wars has adopted similar resolutions; also the organization of Disabled Veterans.

#### EXAMPLE IN BILL DRAFTING

The hearings held by this committee were brief, but instructive and illuminating. A copy has been sent to each member. The committee trusts that the members will do the committee the honor

to read the hearings carefully, not only that they may ascertain the several equities which appear to make this legislation highly desirable but also to note the development of the facts that made a complete review of all bills before the committee necessary.

The committee feels that it might properly call the attention of the House to one more evidence of the value of the work of the legislative counsel. To note the development by inquiry in committee as to what was needed, and to note the shaping of these developed ideas into a bill, made almost on the spot, without carrying the whole of the provisions of the very long cumbersome section 3 of the immigration act of 1917, with its forty-odd causes for refusal of admission of aliens, is to study the modern methods in legislation.

The legislation is recommended by Director General Hines of the Veterans' Bureau. In addition to certain equities, it will simplify the remaining payments on bonuses, as well as rehabilitation, compensation, and insurance payments.

Not caring to select one over another of the several proponents, the chairman requested Representative Tilson, floor leader of the majority (and author of one of the original bills) to introduce the redrafted bill. This suggestion met with the approval of the committee, which acts on all immigration legislation without partisanship.

#### NEW DRAFT WITH PROPER RESTRICTIONS

Owing to the necessity of providing certain restrictions as to those loathesome and contagious diseases, those who may have become anarchists, etc., and owing to the admission of waiving certain restrictions of the immigration act of 1917, which might bar those suffering from injuries or diseases contracted in the service (and to prevent their deportation after arrival) the committee discarded all bills before it.

#### PURPORT OF AMENDMENTS

The amendments are in effect, the Bacon bill, H. R. 9761, which passed the House by unanimous consent March 1. The amendments give alien soldiers a two-year extension of time in which to become naturalized by the war-time process, which process expired March 3, 1924. This is added to this bill in order that soldiers' relief legislation may be all in one act.

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